

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT TUCKER and ADAM SANDERS,

-against-

BOARD OF ELECTIONS IN THE CITY OF
NEW YORK; JOSE MIGUEL ARAUJO,
MIGUELINA CAMILA, GINO A.
MARMORATO, MICHAEL MICHEL, SIMON
SHAMOUN, TIFFANY TOWNSEND, and
JOHN WM. ZACCONE, in their official
capacities as Commissioners of the Board of
Elections in the City of New York; NEW YORK
STATE ASSEMBLYMEMBER DAN QUART,
in his individual capacity;

Defendants.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 05/07/2020

20-CV-3111 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS the parties appeared on May 7, 2020, for a hearing on Plaintiffs' motion for a temporary restraining order;

WHEREAS Plaintiffs sought an order directing the Board of Elections of New York City ("BOE") "to halt printing and distribution of the absentee ballots for the 73rd State Assembly District Democratic primary election," because Plaintiffs believed that their preferred candidate, Cameron Koffman, was not on the ballot, Dkt. 33;

WHEREAS BOE has stated, in writing and at the hearing, that the absentee ballots being printed and distributed presently include Mr. Koffman as a candidate, *see* Dkt. 36;

WHEREAS BOE further stated at the hearing that, even if Mr. Koffman were to be later disqualified as a candidate in a pending state court proceeding, the absentee ballots would not be re-printed or re-sent, because any absentee votes cast in Mr. Koffman's favor would be

disregarded during the vote count; and


WHEREAS Plaintiffs did not dispute BOE's representations and acknowledged that, if the absentee ballots indeed name Mr. Koffman as a candidate, no emergency relief is required at this time;

IT IS HEREBY ORDERED that Plaintiffs' motion for a temporary restraining order is DENIED as moot, or, alternatively, for the lack of any injury. The Clerk of Court is respectfully directed to terminate docket entry 33.

IT IS FURTHER ORDERED that Plaintiffs must submit any supplemental authorities in support of their motion for a preliminary injunction, as set forth during the hearing, no later than **5:00 P.M. on May 7, 2020**; Defendants' responses are due by **May 9, 2020, at 5:00 P.M.**

SO ORDERED.

Date: May 7, 2020
New York, New York


VALERIE CAPRONI
United States District Judge